



3 1833 01756 9325

GC
975.1
D491N

INDIAN LAND SALES IN DELAWARE

by

Leon de Valinger, Jr.

with Addendum

A DISCUSSION OF THE FAMILY HUNTING TERRITORY QUESTION IN DELAWARE

By C. A. Weslager

Published by The Archaeological Society of Delaware

ALLEN COUNTY PUBLIC LIBRARY

INDIAN LAND SALES IN DELAWARE

by

Leon de Valinger, Jr.

with Addendum


A DISCUSSION OF THE FAMILY HUNTING TERRITORY QUESTION IN DELAWARE

By C. A. Weslager

Published by The Archaeological Society of Delaware

WILMINGTON COUNTY PUBLIC LIBRARY
INDIAN LAND SALES
IN DELAWARE

by
Jas. H. Vanderschuer

PRINTED BY THE WILMINGTON PRESS 

with illustrations
A HISTORY OF THE TERRY TRUSTING
TERRITORY QUESTION IN DELAWARE
By C. A. Wells

Published by The Wilmington Press at Wilmington

PREFACE

The Archaeological Society of Delaware

OFFICERS

ARCHIBALD CROZIER
President

ARTHUR VOLKMAN
Recording Secretary

H. V. LANG
Vice-President

J. SWIENTOCHOWSKI
Corresponding Secretary

H. T. PURNELL
Vice-President

H. GEIGER OMWAKE
Museum Advisor

W. O. CUBBAGE
Vice-President

FRANK LONG
Treasurer

C. A. WESLAGER
Editor

DIRECTORS

DR. WALTER HULLIHEN

DR. GEORGE RYDEN

WILLIAM HABBART

W. W. MACK

LEON DE VALINGER, JR.

PREFACE

The members of the Archaeological Society of Delaware are keenly interested in preserving for the future, not only the artifacts left in our state by the Indian, but all available data to be found in the writings of the early colonists and in our public archives which will further knowledge of these people whose heritage we now enjoy.

The author of this monograph, Leon de Valinger, Jr., was educated in the public schools of Wilmington, later graduating from the University of Delaware in September 1930 with a B.A. degree. In January of 1935 he was given an M. A. degree by the same institution.

His intense interest in Delaware history led to his appointment as Assistant State Archivist, which position he now holds, associated with our good friend and fellow member, Dr. George H. Ryden.

For his Master's degree, de Valinger wrote a most interesting thesis on "Local Government in Delaware 1638-1682." This thesis is available for study at the library of the University. In connection with the Tercentenary Celebration, he prepared a paper on "Colonial Military Development in Delaware 1638-1776" which was published as a bulletin at that time.

Mr. de Valinger's position in the State Archives Department gives him an enviable chance to study our early colonial records, and he prepared the present monograph for publication in the Bulletin of the Archaeological Society of Delaware. It was published in two parts in Numbers 3 and 4 of Volume 3, but it is the opinion of the officers and members of the Society that such an important contribution should be printed as a separate monograph as a convenient reference for students of Delaware history and ethnology. It will also have a much wider circulation than in its original form which reached only our members.

This monograph is the first comprehensive account of Indian deeds in Delaware. Scharf's "History of Delaware" gives May 6, 1679 as the date of the first Indian deed in Delaware, but de Valinger cites deeds of an earlier date.

The author's painstaking research has given us new and significant information on the concept of Indian land ownership in Delaware, which has led our Editor, C. A. Weslager, to discuss the matter in an addendum to de Valinger's article which is also presented in this publication.

ARCHIBALD CROZIER, President

The Archaeological Society of Delaware

Wilmington, Delaware
June 20, 1941

INDIAN LAND SALES IN DELAWARE

By LEON deVALINGER, JR.

The splendid reports that have appeared in previous issues of this "Bulletin" proved without a doubt that there were Indians in Delaware at such sites as Crane Hook, Claymont, Stanton, Slaughter Creek, Lewes, and Rehoboth. From the excavations at these sites we learned something of their everyday life, with regard to what the Indians ate, how they cooked their food, what kind of utensils were used by them, the shape and material of their tools and weapons, and finally their method of burial. But who were these Indians? It was with the hope of learning more intimate details of these Indians of Delaware that a study was made of all available Indian deeds pertaining to this State. From such records, negotiated with and often marked by the Indians themselves, we obtain the best available contemporary information of these former owners of this region.

We know that in 1631 the Dutch established a short lived settlement at Zwaanendael or Lewes, in Sussex County. With this settlement we have our first sale of land from the Indians in Delaware. The original deed is not known to be extant but on July 11, 1630 the patent was acknowledged and recorded by the Dutch at Manhattan. This document shows that the Indians Quesquaekous, Eesanques and Siconesius representing their superiors and the inhabitants of their village, situated on the "Southhook of the Southriver Bay" (present Cape Helopen in the Delaware Bay) sold a tract of land on the west side of the Delaware Bay and River to Samuel Godyn and Samuel Blommaert. For "a certain quantity of goods" previously received the Indians sold the land from present Fenwick Island along the Bay and up the Delaware River for a distance of eight Dutch or thirty-two geographical miles and the grant extended inland two geographical miles¹.

The next Indian land sale in Delaware of which we learn was in 1638, following the arrival of the Swedes under Peter Minuit. They landed at the "Rocks" on the present Christina River, known to the Indians by such names as Paghaghacking, Hopokahacking and Suspecough². About March 29, 1638 the Sachems, Mattahorn, Mitatsimint, Elupacken, Mahomen, and Chiton, who had been delegated by their tribesmen, went on board the Kalmar Nyckel and sold to Minuit as much land on both sides of the South or Delaware River as he requested³. The documents recording this sale are lost with the result that we do not know definitely the extent of the purchase or the price

1. "Documents Relating to the Colonial History of the State of New York," by B. Fernow, Albany, 1877, vol. 12, pp. 16, 17. "Annals of Pennsylvania 1609-1682," by Samuel Hazard, Philadelphia, 1850, p. 23.

2. Hazard, *op. cit.* p. 47.

3. "The Swedish Settlements on the Delaware 1638-1664," by Amandus Johnson, published by Swedish Colonial Society, Phila., 1911, vol. 1 p. 183.

paid. It is believed that Mitatsimint sold the land of his people lying between the Christina River and Bombay Hook or Duck Creek. The other sachems, it is supposed, sold their lands along the Delaware River as far north as the Schuylkill⁴. From another source we get a statement reputed to have been made by Mattahorn who relates that he was living at the Minquaas Kill (present Christina River) when the Swedes arrived there. Minuit is said to have offered the sachem "a kettle and other small articles" and requested as much land as was contained "within six trees" upon which Minuit desired to build a house. Mattahorn sold the land, but requested that he be given half of the tobacco grown upon it. He complained that he never received any tobacco⁵.

On June 24, 1684 some of the older Swedes living on the west side of the Delaware River declared that in 1638 Governor Minuit anchored his two ships in the Christina Creek and lay there six weeks and three days in order to give the English an opportunity to make any claims they may have had to the territory. At the expiration of that time they went ashore and began constructing a fort as there had been no claimants. "Thereafter they agreed with the Susquahanna Indians and bought from them as much of the Adjacent Lands as they could Shoot over with a Cannon bullet from Christina⁶."

It should be kept in mind that at the same time land was being purchased from the Indians for the territory now included in the State of Delaware, other transactions were being made with the Indians for lands farther up the Delaware River. These land sales outside the limits of the State of Delaware cannot be considered in detail in this paper. Because of the nature of these land transfers with the Indians, much of the trouble that arose between the Swedes, the Dutch, and the English in the Delaware River Valley was caused by misunderstandings about their territorial limits, which had been determined by purchases from the Indians. As an example of this we find that in 1641, two Englishmen, Lamberton and Turner, came to the Delaware River from New Haven and attempted to establish a settlement. They made one purchase on the east side of the river that was under the Dutch sphere of influence from sachem Usquata⁷. Shortly afterwards they bought of Mattahorn the land from Wicaco to the Schuylkill which was part of the land that Mattahorn had formerly sold to the Swedes in 1638⁸.

Ten years later, on July 3, 1651, the Indians Kiapes and Notike, son and widow respectively of Mitatsimint made a deposition at Fort Elfsborg before Peter Johimson and Gothefryd Harmer relative to the lands owned by Mitatsimint. These Indians stated that the deceased

4. Ibid., p. 184.

5. Hazard, op. cit. p. 47. This Sachem's name is variously written: Mattahorn, Mattehorn, Mattheoorn, Mattahoorn.

6. "A Catalogue of Books and Manuscripts Relating to Swedish Colonization on the Delaware River," compiled by Julian P. Boyd, published by the Gilpin Library, Historical Society of Pennsylvania, Philadelphia, 1938, p. 46, item 90.

7. Johnson, op. cit. p. 209.

8. Ibid. p. 211.

sachem owned from below Appachaihackingh to Mettocksinowsingh⁹ and that although Peminacka was allowed to hunt on these lands, he was not the owner of them. The heirs of Mitatsimint also acknowledged that he had "bargained about the said land with the Swedes" and they also confirmed the sale of this land to the Swedes¹⁰. At the same time that the Swedes were trying to clarify their land transactions with the Indians Kiapes and Notike, the Dutch were also attempting to consolidate their position by obtaining additional land from the Indians. On July 9, 1651, the Sachems Mattahorn, Pemenatta, and Sinquesz, met with Governor Peter Stuyvesant of New Netherland at New Amsterdam. Mattahorn, speaking for the other chieftains, asserted that they were great chiefs and proprietors of the lands both by ownership and by descent and appointment of Minquaas and River Indians¹¹." When asked what lands the Swedes had purchased of them, Mattahorn said that the Swedes had bought only the plot where Fort Christina stood and some other lands near the Schuylkill. Governor Stuyvesant then asked if the Indians would sell the land on the west side of the Delaware River from the Schuylkill down to the Bay. The Indians replied that they were afraid of being punished by the Swedes if the land they occupied was sold. The Governor then asked if they would sell the land from the Minquaas Kill (Christina River) to the Bay or the mouth of the Delaware River¹². In this move on the part of Governor Stuyvesant we see him attempting to do what he later accomplished; that is to gain a stronghold on the Delaware River below the Swedish settlements at Fort Christina and Fort Elfsborg (near Salem, New Jersey) thereby paralyzing Swedish trade in the River. The Indians apparently realized that Governor Stuyvesant had some motive other than just buying the land from them for after conferring among themselves they discreetly replied, "The Swede builds and plants, indeed, on our lands, without buying them or asking us. Wherefore should we refuse you, Great Sachem, the land? We would rather present than sell the Great Sachem (Stuyvesant) the land, so that should the Swedes again pull down the Dutch houses and drive away the people, you may not think ill of us, and we may not draw down your displeasure¹³." These sachems then agreed to give the Dutch the land on the west side of the Delaware River from the Minquaas Kill, where Fort Christina stands, called by the Indians Supeskongh, and extending down the River to Bombay Hook, called in the Indian language Neuwsings. The only condition was one made by the Sachem Pemenatta who asked that his gun be repaired for nothing when necessary and that they give him a supply of maize when he needed it¹⁴.

Having obtained this strategic position from these Indians, the Governor then continued to negotiate with other natives for their lands. On July 30, 1651 the Sachem Wappanghewan followed the example of Mattahorn, Pemenatta, and Sinquees by giving his land to the Dutch. At

9. These places have not been identified but they are probably on the east side of the Delaware River opposite the other holdings of Mitatsimint, which in 1638 extended from Christina River to Duck Creek along the west Side of the Delaware River.

10. Johnson, *op. cit.* p. 757.

11. Pennsylvania Archives, 2d series, vol. 5, pp. 247, 248.

12. *Ibid.* p. 249.

13. *Idem.*

14. *Ibid.* p. 250 Hazard, *op. cit.* p. 126.

Tamecongh (New Castle), in the presence of a number of Dutchmen, this sachem agreed to give all the land on the east side of the River from Nariticon Kill (Raccoon Creek) southward to Maetzinsingh. The grant extended to the Minquaas Kill or Sittoensaene, as it was known to the natives, from a creek, on the west shore called Neckataensingh, which was probably across the river from Raccoon Creek and could have been Chester, Ridley, Crum, or Darby Creek¹⁵.

Shortly after this transaction the Dutch abandoned their settlement at Fort Nassau and established a new settlement at the place called Tamecongh by the Indians, but which the Dutch named Fort Casimir (present New Castle). The name Tamecongh or Tamaconck means in the Indian dialect "the place of the beavers" and it was probably the best place along the river for obtaining the much-sought beaver pelts. The Dutch control of this key position irked the Swedes. When their new governor, Johan Rising, arrived in 1654 with colonists, soldiers, and supplies, his first concern was the conquest of Fort Casimir. This was promptly and easily accomplished by a force of between twenty and thirty musketeers who gained the fort from the Dutch without any bloodshed. Then we find the Swedes making approaches to the Indians in order to obtain a clear title to lands they were settled upon. On June 17, 1654, Governor Rising met with Naaman and other sachems in an attempt to gain their good will. Shortly afterwards, on July 8th, the Sachems Peminacka and Ahopameck came to Fort Christina and while there discussed the land between Christina River and Sandhook or present New Castle. The Indians acknowledged that the purchase by the Swedes from Metatsimint in 1638 was legal and binding and that no one else could rightfully pretend to own it. Peminacka then said that he had not sold the Sandhook or the surrounding lands to Governor Stuyvesant, but that he had received some presents from him in return for permission to place a house there. The Sachem then desired to confirm title of this land to the Swedes, as he was the rightful owner, having received it of Metatsimint before his death. The Indian witnesses to this transaction were Ahopameck, Sinques, and Pinnar (Pinna)¹⁶.

Having obtained this acknowledgment from the Indians, the Swedes saw the matter to a conclusion by getting, on the same day, a deed from Peminacka and Ahopameck. Peminacka presented to the Swedes Tamakonck and Sandhook and the surrounding lands. In addition he gave all the land not already bought from Fort Christina up the Delaware River to Naaman's Point and to Marikes Hook (Marcus Hook). Ahopameck then presented the Swedes with the land from Marikes Hook to Tennakonck (Tinicum Is'and)¹⁷. Such a splendid about-face as these Indians executed indicates that they were under pressure from the Swedes either in the form of proffered gifts, or from fear or threats, as intimated to Stuyvesant when he talked with some of the sachems in 1651.

The loss of Fort Casimir rankled the Dutch so much that they laid plans to regain this lost position. At the same time they were arming their expedition for the attack on the Swedes, they were apparently arming themselves with Indian deeds to justify their claims to the land. On

15. Pennsylvania Archives, series, vol. 5, pp. 246-247; Hazard op. cit. pp. 125, 126.

16. Johnson, op. cit. vol. 2, p. 755.

17. Ibid. p. 756.

July 19, 1655, about two months before the conquest of New Sweden, the Sachems Amattehooren, Peminackan, Ackehoorn, and Sinquees, the rightful owners of the land on the west shore of the Delaware River, presented Tamecongh (New Castle) and the surrounding land to Governor Stuyvesant. This grant is described as "beginning at the west point of the Minquaas Kil, called in the Indian tongue Suppeckongh, unto the mouth of the bay or river called Boomkjis hook, and in the Indian language Canaresse, and so far landward in as our right extends. To wit, to the bounds and limits of the Minquaas country; which lands were never before sold or conveyed to any nation in the world¹⁸." Besides the Dutch witnesses to this deed there were the Minquaas Sachems Jonnay, Tonna-hoorn, Pimadaase, and Cannowa Rocquaes. Inasmuch as this tract of land was "given," so the deed said, by the natives, it is interesting to see what the Dutch gave in return. Among the articles given were twelve coats of duffels, twelve kettles, twelve axes, twelve adzes, twenty-four knives, twelve bars of lead, and four guns with some powder¹⁹.

September of 1655 witnessed the surrender of the Swedish forts and the assumption of power by the Dutch in the Delaware River Valley. The Dutch ruled until 1664, when they in turn were conquered by an English expedition sent against New Netherland by James Duke of York. It is interesting to note that after the deed of July 19, 1655 the Dutch did not negotiate any land transfers with the natives in the Delaware area. Likewise, the English authorities did not purchase lands of the Indians in order to secure their claim to the settlements on the Delaware.

However, we find during the Duke of York period that individual citizens, not governmental authorities, purchased land from the Indians. The Indian Mehocksett²⁰ was described as of Cohansey in West Jersey on the east side of the Delaware River. He was also designated as "Indian lord of all the land between Duck Creek and Blackbird Creek²¹." He granted, on February 20, 1674, to John Hillyard, of Kent County, four hundred acres of land on the southwest branch of Duck Creek. In return for satisfaction already received the sachem granted "all rights and privileges of hunting, hawking, fishing, and fowling²²." The same day Mehocksett granted two tracts of one thousand acres each on Duck Creek to Francis Whittwell under the same conditions as the other deed²³. The next record we found of this Indian was dated May 4, 1679, at which time he was known as the chief sachem of Cohansink and the owner of Bompies Hook (Bombay Hook). Then he sold to Peter Bayard of New York, for one gun, four handfuls of powder, three matchcoats²⁴, one ancker²⁵ of liquor, and one kettle, the land at Bombay Hook (known to the Indians as Navasink) and the land extending along the west side of the Delaware River to Duck Creek. The deed which gave Peter Bayard

18. Pennsylvania Archives, 2nd series, vol. 5, p. 250.

19. *Ibid.* p. 251.

20. This name is spelled by the interpreters in the following different ways: Mehoxett, Mehockesett, Mehocksett, Mahockett, Mahockesett, Mehoxo, Mehoxett, Mechaecksitt, Mechacksitt, Meghacksett, and Mechacksitt.

21. Kent County, Delaware Deeds, Liber B1, folio 11, Court House, Dover, Delaware.

22. *Idem.*

23. *Idem.*

24. A loose coat of cloth or skins made for the Indian trade.

25. A Dutch unit of measure equal to about thirty-two gallons.

the title to all the lands, marshes, woods, creeks, and waters in the described tract was signed with the turtle totem of Mehocksett and also with the mark of his son, Moissapnackin²⁶.

We learn a number of interesting facts from the deed which passed from Mehocksett to Ephraim Herman dated New Castle, November 1, 1680. This Sachem is described as Chief of Cohansy and natural owner of all land lying between Duck Creek, called by the Indians quinquogocipus, and Appoquenemen Creek on the Delaware River. For two half anckers of drink, one blanket, one matchcoat, two axes, two knives, two double handfuls of powder, two bars of lead, and one kettle, Ephraim Herman received title to a tract of land beginning: "at a creek near the land of Morris Liston²⁷, by the Indians called Winsacco, then up the creek through the Cedar Swamp to its head and from the head of the Swamp upon a line down through the woods to Duck Creek as far as the land formerly taken up by Will. Sharpe and now possessed by Christopher Ellitt, and from there down Duck Creek to a marsh by Fabian's Island to the River side, which place the Indians call Appoquemen, where they haul their canoes into Duck Creek, and from thence up the river to the first mentioned creek called Winsacco²⁸." There is apparently some discrepancy in this description because it was impossible to lay it down on a map as described. In an earlier deed (February 20, 1674) Mehocksett was the owner from Blackbird Creek to Duck Creek. He was probably selling this same tract to Ephraim Herman as much of the land he purchased lies within those bounds. The next we learn of the Sachem Mehocksett is at a meeting of the Court of St. Jones County (Kent County) on December 20, 1681, when he acknowledged to have received full satisfaction of Francis Whittwell for two thousand acres on the north side of the southwest branch of Duck Creek²⁹. We obtain our last information of Mehocksett on February 16, 1682-3 when he confirmed a grant of ten thousand acres, called "Mill Range," on the branches of Duck Creek to John Richardson and Francis Whittwell³⁰. Unfortunately we do not know what trinkets the Sachem received for this valuable tract of land because the deed refers to "valuable consideration to me in hand already paid by John Richardson."

Let us now consider the Indian Petequoque³¹, called by the English, "Christian." From the various deeds that were executed in his name we find that he was lord and owner from Duck Creek to St. Jones Creek, and in some cases to Murderkill Creek. It is also of interest to learn that he was Chief Sachem of the land of Missawokett³² and the brother of the Sachem Mahax³³ or Mehocksett, whom we have just discussed

26. New Castle County, Delaware Deeds, Liber B1, folio 62, Court House, Wilmington, Delaware.

27. Morris Liston lived at what is known as Liston's Point, near Taylor's Bridge which is east of Fieldsboro in lower New Castle County.

28. The original signed Indian deed in the State Archives, Hall of Records, Dover, Delaware.

29. Kent County, Delaware Deeds, Liber A1, folio 21, Court House, Dover, Del.

30. Ibid. liber B., folio 12.

31. Other interpretations of his name were: Petoquoque, Peticoquewan, Peteocaquewan, Pettequoque, Pettecoque, Petocoque, Petiquoque, Peatequoquen, and Pet-teicque.

32. Kent Deeds, *op. cit.* Liber B1, folio 21.

33. N.Y. Colonial Docs. vol. 12, page 629.

and whose land adjoined that of Petequoque to the north. The first deed we find being conveyed by this Sachem is on September 20, 1676 when he granted two thousand acres of land on the south side of Duck Creek to John Richardson. In addition to the privileges of hunting, fishing, and fowling that Petequoque extended, he was also to defend John Richardson from other Indians and, in the event that any of his cattle or hogs strayed into the woods, the Sachem was to drive them back to the plantation. The purchase price of this tract of land was eight bottles of rum, three matchcoats, four and a half yards of "frize," some buttons, and thread³⁴.

The next sale made by Petequoque was to Barnard Hodges on October 20, 1677. For three matchcoats, four double handfuls of powder and shot, and a number of bottles of drink, the Sachem sold four hundred acres of land in his kingdom between Duck and St. Jones Creeks³⁵. The year 1679 witnessed three more land transfers by this Indian for land now included in Kent County. Daniel Jones, on February 4, 1679, paid four matchcoats and two blue shirts for four hundred acres of land known as "Popular Neck" lying between St. Jones' and Little Creeks³⁶. Fifteen hundred acres of woodland upon "Murther Creek" was sold to Thomas Heatherd on February 6, 1679. The purchase price or "full satisfaction given" was the usual three matchcoats, four double handfuls of powder and shot, and twelve bottles of rum³⁷. For the same price Petequoque sold six hundred acres of land to John Burton on March 10, 1679.

Petequoque's largest real estate activities apparently took place in 1681, the year before William Penn arrived in the New World and became Proprietor and Governor of the Province of Pennsylvania and the Three Lower Counties on the Delaware. Alexander Humphreys obtained a tract on the south side of St. Jones' Creek³⁸; for the customary matchcoats, ammunition, and bottles of rum Robert Bedwell received eight hundred acres along St. Jones' Creek³⁹. Others who obtained land at this time were: John Glover, five hundred and seventy acres on the south side of Little Creek⁴⁰, John Brinckloe, six hundred acres on the north side of St. Jones' Creek⁴¹; and for one gun David Morgan received four hundred acres on the south side of St. Jones' Creek⁴².

The year 1682 also witnessed a number of deeds from this Sachem. Daniel Jones, on January 28th, obtained seven hundred acres on the west side of St. Jones Creek for five matchcoats⁴³. Shortly afterward Robert Porter received title to four hundred acres he already had⁴⁴. The brothers Richard and John Walker, on March 20, 1682, gave the customary three matchcoats, twelve bottles of drink, and four handfuls of powder and shot for eight hundred acres on the west side of St. Jones Creek to which they gave the name "Brother's Portion⁴⁵." Instead of twelve bottles of drink, Petequoque re-

34. *Idem*.

35. Kent Deeds, *op. cit.* Liber B., folio 2.

36. *Ibid.* Liber B1, folio 9.

37. *Ibid.* Liber B., folio 1.

38. *Ibid.* Liber B., folio 10.

40. *Ibid.* Liber A1, folio 42.

41. *Idem*; Delaware Register, vol. I, page 177:

42. *Ibid.* Liber B., folio 35.

43. *Ibid.* Liber B., folio 12.

44. *Ibid.* Liber B., folio 21.

45. *Ibid.* Liber B., folio 10.

ceived three gallons in addition to three matchcoats and four double handfuls of powder and shot from Henry and Robert Bedwell Jr. and Adam Fisher on December 10, 1683⁴⁶. In exchange they received eleven hundred acres along St. Jones Creek. For the same consideration Isaac Webb received on February 19, 1683-4 the tract known as "Shoemaker's Hall" which contained four hundred acres⁴⁷. The last we learn of Petequoque is on May 2, 1688 when he sold to Norton Claypoole one thousand acres of land in Kent County on the St. Jones River "about three miles from the place that Dover town is intended to be built⁴⁸."

To the south of the kingdom of Petequoque was that of Socorocet⁴⁹. His kingdom is described variously in the deeds as extending from St. Jones Creek to Murderkill, Mispillion, or Cedar Creek. These three water courses are close together and it may be that Cedar Creek or Mispillion Creek is a truer description of the southern boundary of this Sachem's kingdom than Murderkill Creek. The first deed found for Socorocet was dated December 30, 1682. He sold at that time one thousand and fifty acres of land near St. Jones Creek to Benony Bishop⁵⁰. Other deeds negotiated with this chieftain were the following: January 5, 1682 to Benony Bishop, 1000 acres at Murderkill Creek called "Indian Point⁵¹;" January 16, 1682 to Edmund Gibben, 1000 acres at Murderkill Creek⁵²; January 16, 1682 to William Durnall, 1200 acres on south side of Murderkill Creek⁵³; August 7, 1683 to Nicholas Bartlett, 948 acres⁵⁴; December 16, 1684 to John Manlove, 1000 acres near Murderkill Creek called "Barren Point⁵⁵;" and June 26, 1684 to Peter Groenendick, about five acres on a small point at the north side of Murderkill Creek⁵⁶. In return for these tracts of land Socorocet received matchcoats, powder and shot. He also received in one transaction a cotton waistcoat and in another enough corn to satisfy him. The remarkable fact is that the deeds do not show that he received any bottles of drink as did the other sachems. Possibly it was because he was an abstainer.

Unfortunately the kingdom of the sachem to the southward of Cedar Creek is not as clearly defined as were those we have already considered. A few documentary fragments permit us to piece together facts concerning other Indians of present Sussex County, Delaware. On January 10, 1681 the Indian Shackamacker or Sachem Parritt complained to the magistrates at Lewes that Henry Bowman and others took his lands without giving him satisfaction for them. The court then ordered that everyone who took up land should pay the Indian proprietor one matchcoat for

46. Ibid. Liber B., folio 19.

47. Ibid. Liber Bl, folio 20.

48. *Some Records of Sussex County, Delaware*, by C. H. B. Turner, Allen, Lane & Scott, Phila., 1909, p. 122.

49. His name also appears as: Socorocret. Secorockett. Saccoreckett. Sackorocket. Sack-oracket, Sackerocket, Schokearocan, Schokearacon. Sockaroccon. Sackarachin. Soccorocco, and Soxorocco.

50. Kent Deeds. Liber Bl. folio 10.

51. Ibid. Liber Bl, folio 69.

52. Ibid. Liber Bl, folio 3.

53. Ibid. Liber B., folio 3.

54. Ibid. Liber B., folio 107.

55. Ibid. Liber Bl, folio 45.

56. Ibid. Liber Bl, folio 91.

each parcel of six hundred acres or less and two matchcoats for more than six hundred acres. If anyone refused to pay the Indian the sheriff was to collect the payment for him⁵⁷. Accordingly, in June of 1682, the Indian Parritt acknowledged that he had received full satisfaction from Henry Bowman for the sale of one thousand acres on the neck of land between Slaughter and Cedar Creeks⁵⁸. How far to the southward the kingdom of Parritt extended we do not know. It could not, however, have extended beyond Indian River for, in February of 1683, the Assawomack Indian Harmattamale acknowledged in court that he had sold one thousand acres on the south side of Indian River to Alexander Molleston. I will not say anything further of the Assawomacks as they were quite ably described by Mr. William B. Marye in a recent article in the Bulletin⁶⁰.

Let us now consider some of the other Indians of what is now Sussex County, Delaware. The Proprietor of Maryland on July 2, 1713 granted a tract of one thousand acres in Worcester County, Maryland (now Dagborough Hundred, Delaware) to the Indians Weatomotones, Wasposson, Robin (the interpreter) and his son Robin⁶¹. This land, on the south side of Indian River, was called by the natives Acksquessance. On November 15, 1736, Queen Wiocomonus, Tonquaton, Knuconum, and Robin, the interpreter, sold two hundred acres of this tract to William Burton⁶². Two hundred more acres were sold by these Indians in May of 1741 to Joshua Burton, and on October 8, 1743 Weatomotones and Young Wasposson conveyed four hundred acres to William Burton⁶³. These deeds are important as they give us the names of Indians who may have been among the last in what is now the State of Delaware. These Indians were in the Nankicoke region and it is probable that, following the sale of their lands to the Burtons, they moved to the Nanticoke Reservation near present Laurel, Delaware. By 1748 most of the Delaware and Nanticoke Indians had gone from the reservation near Laurel. By 1753 they had settled in Indian villages along the Susquehanna River under the protection of the powerful Iroquois⁶⁴.

There are several other Indian deeds for portions of land in New Castle County that are well worth our attention for the information they contain. The Indians Kanockere, Alom, Eliggene, Nogcotta, Towis, Wipaycam, and Winappenegge sold, on July 10, 1680, to John Moll of New Castle, a large portion of land in New Castle County, Delaware. The tract of land acquired by this deed extended from Bread and Cheese Island in Christina River and to the north of it along White Clay Creek and Red Clay Creek 'as far as the precincts of Maryland⁶⁵.' The region known to

57. C. H. B. Turner, *op cit.* p. 62.

58. *Ibid.* p. 76.

60. "Indian Towns of the Southeastern Part of Sussex County" by William B. Marye, pages 18-25, Bulletin the Archaeological Society of Delaware, Vol. 3 No. 2, Oct. 1939.

61. A certified copy in the State Archives, Hall of Records, Dover, Delaware, from the original Worcester County records.

62. *Idem.*

63. *Idem.*

64. History of Delaware, by J. Thomas Scharf, published by L. J. Richards & Co., Phila., 1888, Vol. I, p. 21. Cf. pages 1285 and 1328, Vol. II which state that the Nanticokes occupied the reservation until about 1768.

65. A facsimile and transcript of the text was printed as item 145 of the American Art Association Anderson Galleries Inc. sale of Wednesday afternoon, Feb. 5, 1936. Dr. A. S. Rosenbach of Philadelphia purchased this deed.

the Indians as Musse Critter was included. The only witness to this deed was Johannis deHaes, of New Castle, who frequently acted as an interpreter with the Indians. Later, on February 21, 1682, John Moll conveyed to William Penn all of this land except a plantation of two hundred acres on White Clay Creek⁶⁶. William Penn's policy toward the Indians was of kindness. In order to accomplish this he purchased the lands of the various sachems even though he had received a royal grant from the crown for his Province. As a fulfillment of this policy we find that on October 18, 1683 he purchased a quantity of land from Machalaha or Ow hala. This Indian described himself in the deed as owner of the lands from the Delaware River to the Chesapeake Bay and to the Falls of the Susquehanna River. The witnesses to this deed were: "Pieter Alricks, J[ohannis] deHaes, Arnoldus de la Grange, Lasse Cock, E[dmund Ca.]ntwell, [Samuel] Land, and the Indians, Mario, Lehlrie, Pishea, Whisanoit, and Sahsochan⁶⁷." The Pennsylvania Historical Commission erected, in 1924, a handsome bronze marker at London Tract Baptist Church, in southern Chester County, to mark the site of Minguannan Indian Town of which Machaloha was the chief⁶⁸. It may be that a portion of this town extended into Delaware as this sachem claimed to be the owner of the land from the Delaware River to the Chesapeake Bay and Susquehanna River.

Other Indians who claimed ownership of land between the Delaware and Susquehanna Rivers were Kekelappan and Opasiskunk. They sold their half of the land nearest the Susquehanna River to William Penn on September 10, 1683. At the same time, Kekelappan promised the other half of his land in the spring upon his return from hunting. The witnesses to this deed were the Sachem Essepenaicke, Penn's Saxon secretary Phillip Theodore Lehnmann, and Captain Lasse Cock⁶⁹.

Shortly afterward, on December 19, 1683, William Penn purchased of Seketorius, Kalehickop, Nochcotamen, Toonis, Leleghanan, and Wippais all the land lying between Christina River and Upland (Chester) Creek. The articles given in exchange for the land were: "a very good Gun, some powder & Lead, two pair Stockins, one Match Coat & Tenn bitts Spanish Money⁷⁰." The deed was signed only by Seketarius and the witnesses Tho. Holme, John Moone, and John Sanghurst. At the left side of the road from Guyencourt to Chadds Ford and adjacent to the estate of Mr. Norman Rood, just across the Delaware boundary in Pennsylvania, is a bronze tablet marking Queonemysing Indian Town. The Pennsylvania Historical Commission in locating this town, of which Seketarius was the chief, described it as "on the other side of Brandywine Creek from here in the Great Bend; Rattlesnake Trail led thence over Point Lookout to

66. Idem.

67. Pennsylvania Archives, 1st series, Vol. 1, pages 67-68; cf. William Penn His Account of the Lenni Lenape Indians, by Albert Cook Myers, Moylan Penna., 1937, p. 92.

68. Myers, op. cit. p. 92..

69. Pennsylvania Archives, 1st series, vol. 1, p. 67.

70. The original deed is owned by Mrs. Francis deH. Janvier, who rescued it from being burned after it had been torn into four pieces and discarded. An illustration and a transcript are published on pps. 93-94 of Myers, op. cit. The name of this sachem was spelled Seketarius, Secretareus, Sacetores, and Sacetorus. This Indian was also regarded as a sachem in present Salm County, New Jersey; cf. Myers, op. cit. pages 60-62.

the Rocks on Christina Creek in present Wilmington⁷¹." If Quenonemy-sing is not now within the boundaries of the State of Delaware it surely was prior to the resurvey of the Circular Line between Delaware and Pennsylvania in 1892-93.

Still adhering to his policy of land purchases from the Indians, William Penn on October 2, 1685 bought the land on the west side of the Delaware River from Duck Creek, called by the Indians Quing Quingus, to Upland or Chester Creek. For value already received the Sachems Pare, Packenahan, Tarickha, Sichais, Pittsquassitt, Towis, Essepenaick, Petkhoy, Kekelappan, Eomus, Machaloha, Methecong, Wissa, and Porrey conveyed the land lying between these creeks and as far inland "as a man can ride in two days with a horse⁷²." There is a marked similarity in the method of determining the extent of this land transaction and that of the famous "Walking Purchase" which took place between Penn's representatives and the Indians at Bucks County in 1737.

An Indian deed recorded in May of 1726 shows that the Sachems Shickokonickan, Mekanappy, and Talowlis George, alias Seegaghtackman, sold land in New Castle County to the Penns that overlapped the above grant. These Indians sold the land on both sides of Brandywine Creek, "from the mouth thereof where it enters the River Delaware up to a certain rock in the said Creek near the upper line of Abraham Marshall's land."⁷³ Abraham Marshall's land was probably in Pennsylvania as an examination of the early Delaware land records failed to disclose any references to his name. Although not a deed record, I wish to introduce here the names of Oholykon, Peyeashicon, and Wikimkyona who were described as chiefs of some of the Delaware Indians on the Brandywine. These names were recorded in the Minutes of the Pennsylvania Provincial Council of May 20, 1728⁷⁴, and are important as they reveal to us that there were Indians along the Brandywine as late as 1728.

Having presented the available facts relative to Indian land transfers or deeds of the area now included within the boundaries of the State of Delaware, let us now formulate some conclusions from the data considered. We learn first of all the names of about seventy Indians, the majority of whom were sachems, and the Indian place-names of nearly a dozen localities. These facts alone add much to our knowledge of the aborigines of Delaware. We have identified by name a number of the sachems from the beginning of our State's history in 1631 to the year 1743, shortly before they migrated from Delaware soil.

Various writers tell us that the Lenni Lenape nation of Indians, who inhabited much of this State, was divided into such clans or totem groups as the Minsi (wolf), Unalachtigo (turtle), and the Unami (turkey)⁷⁵. How-

71. Myers, op. cit. p. 94. For the location of Rattlesnake Run and the Indian trail of the same name see map of Wilmington in 1772 as end papers of *Wilmington Delaware Three Centuries Under Four Flags*, by Miss Anna T. Lincoln, published by the Tuttle Co., Rutland, Vermont, 1937.

72. Penn-Physick Manuscript Collection, vol. 4, p. 160, Historical Society of Pennsylvania, Philadelphia.

73. Idem.

74. Pennsylvania Colonial Records, vol. 3, p. 328.

75. Handbook of American Indians North of Mexico, edited by F. W. Hodge, Smithsonian Instit. Bur. of Amer. Ethnology, bull. 30, pps. 385-387, Wash., D. C., 1907, 2 vols. Our Indians of Early Delaware, by Miss Anna T. Lincoln, published by Delaware Citizens Association, 1932, pps. 6, 7.

ever, I do not believe that it has previously been shown that the Indians of Delaware were established in such rather well defined "kingdoms" as these land records indicated. We found that these natives were not wandering about, but apparently were exercising authority within the bounds of their kingdoms. During the years 1676-1688 the Sachem Petequoque granted at least thirteen deeds within his kingdom of Missawakett, which extended from Duck Creek to the Murderkill. We do not find him executing land transfers in other parts of the State, as would have been the case if a definite system of kingdoms had not been observed. It is true, however, in some cases that the boundaries of kingdoms overlapped. This was especially true in the case of Petequoque and Socorocet. The kingdom of the former extended from Duck Creek to St. Jones River or to Murderkill River, while the latter ruled over the territory between St. Jones River and the Mispillion River. As yet no records have been found which explain the cause of such an overlapping. Another point worthy of our attention is that the Delaware River was not necessarily the eastern boundary of the Indian kingdoms. Mehocksett, who ruled the kingdom extending between Duck Creek and Blackbird Creek in 1674-1682 was described as "Chief Sachem of Cohansey." Cohansey Creek in New Jersey is nearly opposite Duck Creek. Likewise, Seketarius, Sachem of the land between Christina River and Chester River, gave deeds in present Salem County, New Jersey on March 27, 1675, and on April 10, 1676⁷⁶. Thus we see that he too ruled on both sides of the Delaware River. This was also the case of the Sachem Mitatsimint, during the years 1638-1651 when he ruled the kingdom of which Mehocksett was later the chief sachem.

In the course of presenting the various deeds conveyed by the Indians it was noticed that the Swedes and Dutch frequently purchased lands which had previously been sold to them by other Indians. Following a comparison of the texts of numerous Indian deeds and with the knowledge that the deeds were written by the white men, it is my conclusion that the Indians were not as capricious as may be supposed. It seems clear to me that the sachems were only granting the rights of hunting and fishing, as the deeds stated in part. It is doubtful that the natives intended to surrender forever to the white men their own hunting and fishing grounds. As an example of the manner in which the Indians' intentions were misinterpreted and the way in which they were deprived of their lands let us refer to the conversation between Mattahoorn and Governor Stuyvesant in 1651. Mattahoorn is reputed to have said that "the Swedes bought only the plot where Fort Christina stood and some other lands near the Schuylkill" and that "the Swede builds and plants, indeed, on our lands without buying them or asking us." If the statements of Mattahoorn may be relied upon, we see in this one instance how the Indians were deprived of their lands, for the Swedes claimed nearly all the land on the west shore of the Delaware River as far north as the Schuylkill.

It is a notable fact that no trade articles have been found at any of the Indian sites excavated in this State. In many cases the deeds listed the articles which were exchanged for the Indian's lands. Many of the trade articles may be classed as consumable goods, namely: rum, matchcoats, cloth, powder, and lead for bullets. That being the case, the only trade goods we may expect to find will be axes, adzes, knives, and guns. There is, I believe, little chance of finding any of these as such articles were seldom

76.. Myers, op. cit. pages 60, 61.

buried with the Indians. Many of the deeds we have considered listed "one ancker of liquor," "twelve bottles of rum" or some other quantity of intoxicating liquor among the articles received by the Indians for their lands. It was surprising to find that so many of the deeds executed during the proprietorship of William Penn listed liquor among the "gifts" received by the natives. The reason such "gifts" were surprising to me was because William Penn wrote a letter from England on April 21, 1682 addressed to the Indians of Pennsylvania in which he said: "I have already taken care that none of my people wrong you, by good Laws I have provided for that purpose, nor will I ever allow any of my people to sell Rumme to make your people Drunk. If anything should be out of order, expect when I come, it shall be mended and I will bring you somethings of our Country, that are useful and pleasing to you⁷⁷."

The law Penn referred to was chapter 18 of the Great Law, passed at Upland (Chester), December 5, 1682. This act prescribed a fine of five pounds for each person convicted of selling intoxicating liquors to the Indians⁷⁸. Despite the letter Penn wrote and the law he had enacted, we saw evidence that much liquor was given to the Indians during his regime.

In conclusion may I say it is regrettable that the Indians left Delaware as soon as they did, thereby depriving us of more facts that may have been recorded of them. On the other hand it should be a cause of rejoicing to us that they had migrated by 1753. By so doing they removed the impasse and conflict that developed in western Pennsylvania due to difficulties with squatters and defective land titles. The tension became so great that there was bloodshed, with the result that Governor John Penn issued a proclamation, "July 7, 1764, offering bounties for the lives or scalps of all Indian enemies, whether male or female, adults or children⁷⁹." We are dismayed by the thought that the Indians of Delaware, had they remained, might have been subjected to the same treatment merely because they defended their rights to their lands.

77. The original document signed by William Penn is in the possession of the Historical Society of Delaware, Old Town Hall, Wilmington, Del.

78. Myers op. cit. p. 85.

79. History of Proprietary Government in Pennsylvania, by *William R. Shepherd*, Columbia Univ., New York, 1896, page 115. .

A DISCUSSION OF THE FAMILY HUNTING TERRITORY QUESTION IN DELAWARE

By C. A. WESLAGER

When the writer first had the privilege of studying Leon de Valinger's manuscript, he was impressed with certain aspects of the land sales between the Indians and whites in Kent County and in northern Sussex County, inasmuch as it appeared that the Indian sellers were observing a concept not unlike that identified with the Family Hunting Ground System. This paper is therefore presented as an addendum to de Valinger's studies on which it is largely based, with the thought that the reader can readily refer to the source material. As points of information are cited, the page number of the de Valinger account will be given to which the reader should turn.

Previous discussions of the Family Hunting Ground System, or the *Family Hunting Territory* as it is also known, have been prepared for ethnologists and other professional students. Thus, it seems desirable here to review the institution as simply as possible so that the non-professional reader for whom this is written will thoroughly understand its meaning.

It has been generally accepted by Eastern historians that Indian tribes of the East observed the rights and privileges of a tribal ownership of land, and that land was sold to the white men by representatives of the tribe with the implied or given consent of other tribal members. The idea of an individual Indian or family inheriting and owning land is not usually recognized by historians, the inference being that the Eastern Woodland Indians had little interest in land claims or boundaries, but wandered where they pleased and hunted where they chose. In almost any history of Delaware, for example, one will read that land was "purchased from the Indians" without any details as to the Indian's attitude toward land ownership, or, whether he possessed any ideas in the matter. He is regarded as an animal who ran wild through the woods and field with no thought of land or property rights. In 1915, Dr. Frank G. Speck announced that he had found that certain Algonkian-speaking Indian tribes of northeastern North America recognized a form of land ownership and control through inherited rights of use, different from that expressed or implied by most historians. Speck, (1915, a,b,c) In studying the living survivors of these Algonkian-speaking peoples¹ he noted that various kinship groups within the tribe actually inherited and owned specific tracts of land. These tracts were used exclusively by members of the one family for hunting and fishing. Speck. (1915, a) in his first lecture disclosing his findings, outlined the system of land tenure, or the Family Hunting Territory, in words which are still adequate to describe it²:

"Let me define the family hunting group as a kinship group composed of folks united by blood or marriage, having the right to hunt, trap and fish in a certain inherited district bounded by some rivers, lakes or other natural landmarks. These territories, as we shall call them, were moreover often known by certain local names identified with the family itself. The

1. Including such tribal groups and bands as Penobscot, Timiskaming, Nipissing, Micmac, Timagami, Matachewan, Mattawa, Montagnais, Mistassini, etc.
2. This lecture, according to *Old Penn* (see bibliography) was delivered Saturday, Jan. 2, 1915 at 3:00 o'clock in the auditorium of the Houston Club. Here is the rare phenomenon of an important ethnological discovery that has been timed by the clock!

whole territory claimed by each tribe was subdivided into tracts from time immemorial by the same families and handed down from generation to generation. The almost exact bounds of these territories was known and recognized and trespass, which indeed was of rare occurrence, was summarily punishable."

Some scholars took opposite views. They reasoned that this practice of land ownership was one that the Indian had adopted from the white man, and consequently could not be considered an aboriginal custom. They felt that as the white man acquired the Indian's lands and monopolized the beaver and other fur trade, he had forced upon the Indian his own conception of land ownership.

However, during the following years, Speck persistently pursued his subject, recording as he found them, similar manifestations in Newfoundland, Nova Scotia, Maine, Labrador, Quebec, Ontario, etc. Furthermore, he exhibited evidence from the colonial documents that tended to indicate that the Family Hunting Territory was in use among such New England Algonkians as the Wampanoags and Massachusetts before the period of white contact. (Speck, 1928). At the close of this paper we have included a bibliography of Speck's contributions on the subject—certainly a magnificent store of reference for the student.

Today, the majority of Algonkianists admit that the Family Hunting Territory was a native concept, widely practiced before the period of white contact. (Davidson, 1928; Jenkins, 1939; Penard, 1929). There are still some scholars who believe that the Family Hunting Territory as well as many other Indian concepts, was a post-European development, and perhaps the most articulate of these is Jenness although the mass of evidence today does not seem to be on his side. (Jenness, 1932, 1935).

Cooper, a leading student of native land tenure, after weighing the evidence pro and con, has recently stated that it is reasonably probable that the Family Hunting Territory was aboriginal and pre-Columbian (Cooper, 1939)³.

Cooper adds to our understanding of the workings of the Family Hunting Territory as follows: (Cooper, 1938, P. 57)

"Under this system, each small family or closely related kinship group owns its own hunting territory and with exclusive rights of land-game exploitation thereon. Poaching by others is strenuously forbidden and deeply resented. The whole tribal band land is parceled out very much as farming land would be parceled out in one of our own agricultural counties."

In 1922, Mac Leod focused attention on the State of Delaware by citing documentary material which, in his opinion, "seems to demonstrate the positive existence of the hereditary Family Hunting Territory as the basis of social organization among the tribes of the Delaware River Valley." (Mac Leod, 1922)

3. Cooper also notes that the communal control of land has two other forms, in addition to the Family Hunting Territory which he terms (1) The Trap Line System, (2) The Allotment System. We are not concerned in Delaware with these as separate entities, although our understanding of the Family Hunting Territory as a "use" territory would include trapping, hunting, hawking, fishing, fowling, oystering and agriculture.

His was the first published account that pointed toward the existence of the Family Hunting Territory so far south. At that time, Speck's observations among the living descendants of the Pamunkey tribe of Virginia were still in manuscript but have since been published. (Speck, 1928)

MacLeod's study of Delaware social organization and Speck's investigations among the descendants of the Pamunkey in Virginia suggests an extension of the geographic distribution of the Family Hunting Territory. Speck intimated in his first published account that (Speck, 1915-a, P. 492) "we may have to conclude that all of the Atlantic Coast tribes maintained the same institution" and he later stated that: (1928, P. 330) "We may wonder if some vestiges may not yet be found among records pertaining to the Delawares beyond what MacLeod has produced." In the light of the analysis to be presented, Speck's statement seems almost prophetic. To keep the record clear, it is well to add that there are scholars who admit the existence of the Family Hunting Territory in the northeast but who are hesitant about accepting its presence as far south as Delaware and Virginia⁴. Doubtless the data, scant at best through no fault of the investigators, require more weight, and it is not impossible that the material unearthed by de Valinger, and here analyzed with reference to its pertinence to the Family Hunting Territory Question, may provide that needed corroboration so far as the State of Delaware is concerned; at least it may add thought to the discussion.

Since there are today no living Indians in Delaware who observe aboriginal customs⁵ the only source of information is the early documents, which are regrettably incomplete. Nevertheless, they reveal some striking examples, as for example, Peter Stuyvesant's negotiations with the wife and son of the Indian family head, Mitatsimint, so well discussed by MacLeod (1922) and offered by him as evidence of the functioning of the Family Hunting Territory. In this instance, the Indian Peminacka had sold to the whites lands to which he apparently had no claim. The deceased Indian Mitatsimint, according to the testimony of his widow Notike and son Kiapes, owned the land and had leased the hunting and fishing rights thereon to Peminacka, but the ownership of the land had not been transferred to him, and thus he had no claim to it.

MacLeod (*ibid*, P. 463) summarizes the procedure that was followed by the Delaware in the disposal of their land. This should be noted carefully since it bears on the writer's conclusions to be presented:

"The head of a family transacted business relative to the family territory. The family was sovereign over its own territory and could sell it, give it away or give or rent the privilege of hunting upon it to outsiders. Each territory was possessed of definite bounds separating it from the contiguous territory of other families and each was possessed of a distinctive place name of its own. The data at least suggests further that related families possessed contiguous hunting territories and for agricultural purposes resided together in a village which was the headquarters of a band of families."

-
4. Referring to Speck's treatment of Pamunkey data, Cooper (1939 P. 80 f.n.) says: ". . . the interpretation, while interesting and not without a certain reasonableness, seems to the present writer far from convincingly established."
 5. Remnants of Indian stock referred to as "Nanticokes" now living at Oak Orchard on Indian River in Delaware, retain little of their ancestral culture, and nothing of aboriginal concepts of land tenure.

MacLeod also emphasizes a fact which is now generally admitted; namely that the selling of land was a foreign notion among the Delaware before the advent of the whites. While the Indians understood and practiced the leasing of rights of fishing and hunting, they did not practice the actual selling of land. The permanent transfer of real estate from one to the other was a European custom, alien to the American Indians.

Mac Leod's data originated in what is now New Castle County in northern Delaware. The documents which the present writer will cite, pertain to Kent and Sussex Counties, in central and southern Delaware. The geographic position and environment of the area in question is of importance to this discussion. It was not attractive to the Swedes who made their first permanent settlement at Wilmington in 1638, nor to the Dutch who later obtained control of the Delaware Valley. Chief among the factors which made it undesirable was the nature of the terrain: low, flat, and in places, very marshy. Furbearers were not numerous and beavers were rare; further the land held no strategic value. Unlike Wilmington and New Castle in northern Delaware which commanded the avenues leading to the Minquas land and on the Susquehanna River where the Swedish and Dutch beaver trade centered, the region in central Delaware was distinctly off the beaten track. The Dutch, it is true, established a settlement at Lewes in southern Sussex County in 1631, but the occupants were massacred by the Indians and the settlement was destroyed. All historical evidence points toward the fact that European contact in Kent and Sussex County, prior to 1674, was considerably less important than in New Castle County.

Beginning in 1674, we find the first records of purchases of specific plots of land from the Kent County Indians. Many of the buyers were land-hungry Englishmen who made their purchases solely for personal aggrandizement. It is not clear what qualities the English recognized in these lands which the earlier Swedes and Dutch had not appreciated, nor what motivated their purchases. The fact remains that theirs were the first recorded negotiations in this part of the state. Possibly it was their desire to attain the station of landowners which prompted their acquiring the land, a position of importance according to old World standards.

The first dealings were with the Indian Mehocksett who strangely enough lived on the New Jersey side of the Delaware River but who is also called "Indian lord of all the land between Duck Creek and Blackbird Creek" in the present state of Delaware. (de V. P. 5) He is also called "natural owner" of lands in Delaware. (de V. P. 6) It is of significance that an Indian living on one side of the broad Delaware River should own a large plot of land on the other side. Nowhere is there any indication in the documents that there were villages or towns in the area in Delaware "owned" by Mehocksett, the implication being that it was a place, apart from his village, where he hunted, fowled and fished.

In any event, beginning Feb. 20, 1674, and continuing until 1683 we have record of six different transactions involving five white buyers, each acquiring a sizeable plot of Mehocksett's land in an area bounded on the north by Appoquinimink Creek and on the south by Duck Creek. The eastern boundary was seemingly the Delaware River, and the western was Chesapeake Bay—however, the western boundary in the early transactions was very vague.

In a deed dated May 4, 1679 (de V., P. 6.) Mehocksett is spoken of as Chief Sachen of Cohansink (Cohansey in New Jersey) but "owner" of Bompies Hook (Bombay Hook) in Delaware. This deed was signed not only by Mehocksett's turtle totem⁶ but also with the mark of his son, Moissapplnackin. The presence of Mehocksett's son and his signature on the parchment infers a patrilineal descent of the family real estate, a characteristic of the Family Hunting Territory.

A further interesting family connection is revealed in a series of sales beginning September 20, 1676 and involving the Indian Petequoque. He was a brother of Mehocksett and owned land immediately south of Mehocksett's holdings, which serves to support Mac Leod's contention that related families in Delaware had control of contiguous territories. Petequoque is spoken of as "lord and owner" (de V., P. 7) from Duck Creek to St. Jones or the Murderkill Creek. From his land within these bounds, Petequoque made 17 separate sales to 15 different buyers. Moreover it is clear that he did not require the consent of others in these sales, but negotiated on his own authority. Petequoque's land holdings were called Missawakett. (de V., P. 12)

Adjoining Petequoque's lands on the south were those of the Indian Socorocet, whose real estate holdings were described as extending from St. Jones Creek to the Mispillion or Cedar Creek. It appears that St. Jones Creek was the boundary between Petequoque's lands and those of Socorocet. Socorocet made seven different sales to six different buyers. All sales were concluded solely by Socorocet, and he alone possessed complete supervision over the land within the bounds described.

Adjoining Socorocet's lands on the south were those of Parritt, although the latter's southern boundary is not clearly defined because of the sparsity of the documentary references. It is nevertheless noteworthy that when Parritt complained to the magistrate at Lewes concerning the incursions of Henry Bowman, he spoke of "his" lands using the personal pronoun. (de V., P. 9) Nowhere is there the slightest indication that he spoke as a representative of a tribe or as a town chief.

De Valinger, who has carefully studied the original deeds, word by word, concludes that the Indians were only granting hunting and fishing rights as the deeds stated in part. It seems clear to him that they never intended to surrender their grounds forever to the whites. (de V., P. 12) This conclusion conforms to the accepted theory of the Family Hunting Territory in its aboriginal aspect, since, as we have pointed out, the sale of land was a foreign notion to the Indian. However, in Delaware, as emphasized by Mac Leod, it was not unusual for one Indian to lease hunting and fishing rights on his land to another.

The four Indians involved in the transactions cited, are spoken of in the deeds as "chiefs," "sachems," "lords" and "owners." We might speculate that they were the heads of villages and were selling to the whites the tribal lands, thus performing a function of town chiefs. It is clear, however, that there is positively nothing in the records to indicate such a relationship. In fact, the opposite can be more readily proved. Mehocksett, as we have seen, is definitely located on the New Jersey side of the Delaware as a chief of a village on Cohansey Creek⁷. If he had subjects—and we

6. Does this show a clan connection?

7. New Jersey students might well make a notable contribution by studying the New Jersey documents for mention of this important Indian.

presume he did—they too occupied a village in New Jersey and not in Delaware.

In none of the deeds is there the slightest suggestion that Petequoque, Socorocet or Parritt performed as town chiefs, or "Kings." Nor is there any reference to their having subjects. There is not a single reference to an Indian town. While the whites called these sellers "chiefs" and "sachems" such a designation is open to question, although it may have been a proper description of one of them—Mehocksett. It is important that the land Mehocksett sold, however, was not the land where his village was situated. Everything we have seen brings one nearer to the belief that the four Indians were functioning as family heads and land owners.

Mac Leod (1922, P. 451) shows that four Susquehanna Iroquois (Minquas) made a gift of land to Swedes, not as owners, but as representatives of their united nations. This is introduced as evidence that the Susquehannocks did not observe the Family Hunting Territory but practiced a tribal sovereignty over their lands.

This is further confirmed in the articles of peace made between the English and the Susquehannocks, July 15, 1652⁸ which the writer wishes to add to the discussion. The English received land on the western side of the Chesapeake and the articles were signed by Sawahegeh, Auroghtaregh, Scarhuhadigh, Ruthchogah, and Natheldiaeh, who were "commissioners appointed and sent for that purpose by the nation and state of Sasquehanagh."

This method of selling land whereby representatives of the tribe conducted the negotiations is directly the opposite of the method we have cited whereby individual Indians sold their holdings entirely on their own initiative. It should be called to attention that when land was sold by Indians who represented their peoples, the documents clearly make the fact known.

Returning to the Family Hunting Territory, let us review some of the salient affirmative evidence herein presented. If the Family Hunting Territory were an aboriginal concept among these natives, is it not likely that this concept would be clearly indicated in their first dealings with the whites? In the decade beginning with 1674, which marked the first recorded contact, these Indians had little experience with white men's ways, and we would expect the appearance of their own tenure practices in their first negotiations. If the transactions had taken place after long and varied contact with Europeans, we would anticipate that the methods employed would point towards European practices. In the initial dealings, we would expect the Indians' ideas to be respected by the whites, at least until they had established a foothold on the land. After that—as history has shown—it was the white man's will that prevailed.

The foregoing evidence leads to the following summations:

1. At least four separate and distinct Indian land holdings are recognized in Kent and Sussex County, Delaware, beginning in 1674 at the time of the first recorded white contact. The accompanying map shows the location of these territories.

8. See J. L. Bozman, "History of Maryland," Notes, P. 682.

2. These four holdings were separated from each other by natural boundaries consisting of creeks and rivers. At least one of these plots had a place name. (Petequoque's territory, called Missawakett).
3. One Indian conducted negotiations relative to the land in each precinct. Thus Mehocksett, Petequoque, Socorocet and Parritt each executed land transfers within the exclusive bounds of his own territory and did not exercise like authority elsewhere.
4. The suggestion that these lands were hereditary is present in that two of the sellers were brothers (Mehocksett and Petequoque) and that Mehocksett's son participated in at least one sale.
5. The Indians are referred to as "owners," and the third person singular is used throughout. There is no suggestion of tribal ownership in the sales made by these four Indians.

Since each of the five points enumerated above is characteristic of the Family Hunting Territory as it appears in other Algonkian areas, and since it answers the definitions advanced by Speck, Cooper and MacLeod (already quoted verbatim) the writer is inclined to accept the evidence affirmatively.

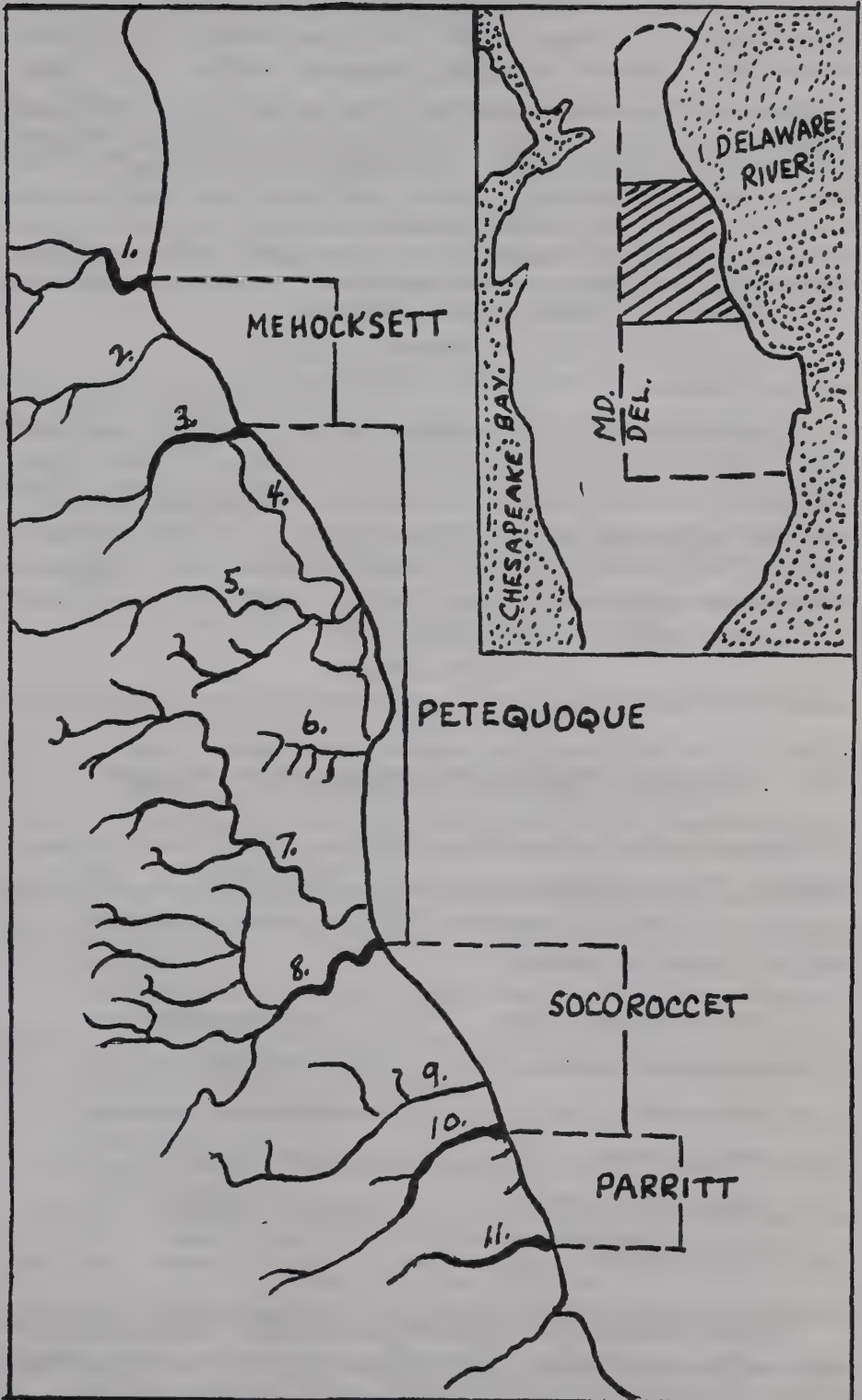
That the procedure followed in selling the land was an aboriginal one seems to be supported by the following premises:

1. Although buyers differed, an identical method of transfer was followed in all negotiations in the four different and distinct plots of land. This shows that the four Indians were observing a common concept of tenure⁹.
2. The fact that the sales were the first in Kent County and northern Sussex County, and the inhabitants seemingly had not yet had important contact with the whites. Because of the absence of the beaver trade and the paucity of the flora and furbearing fauna, the territory was not considered important by the earlier Swedes and Dutch. Thus their institutions had not influenced the Indians.
3. The phrasing of the deeds wherein the leasing of hunting and fishing rights as against outright sale of land, hearkens back to the aboriginal understanding of land ownership.

One important point has not been answered—that is the national affiliations of the four Indian sellers. This is unfortunately not clarified in any of the documents and can only be answered by logical surmise. That the names Mehocksett, Petequoque, Socorocet and Parritt are Algonkian can not be doubted. Further, the Delmarva Peninsula north of the Virginia line was known to have been occupied at the contact period by two Algonkian nations—the Lenni Lenape (Delaware) and Nanticoke. The geographic dividing line between these two nations is unknown, but there is archaeological evidence of two different material cultures¹⁰.

9. This can be refuted by the claim that all were following a common European practice, under white pressure. We feel, nevertheless, that the techniques were more Indian than European.

10. The writer discusses this in "The Coastal Aspect of the Woodland Pattern as Represented in Delaware," Paper No. 1, 1939 Arch. Soc. of Del.



Inasmuch as Mehocksett was a New Jersey sachem, his Lenape affiliation must be admitted. The specific area in which his village was located, in New Jersey on Cohansey Creek, was unquestionably an exclusively Delaware area. Obviously his brother Petequoque would also be a Lenape.

Parenthetically, we might add that it follows that the southern boundary of Petequoque's land shows the minimum extent of Lenape diffusion, which would be approximately at the Murderkill River. Note that this is the minimum extent—the influence of the Lenape may have extended even further south. The two land owners—Socorocet and Parritt—whose territories lay south of Petequoque's may have been Nanticoke, although the writer speculates that they were Lenape which would bring the influence of the Delaware as far south as Lewes, Delaware.

ACKNOWLEDGMENTS: *The author wishes to acknowledge the help of Frank G. Speck and John M. Cooper in providing certain reference material which was not accessible to him. I am also grateful to Leon de Valinger Jr. for several suggestions which were incorporated in the paper. Maurice Mook read the manuscript critically before publication and recommended certain revisions which were adopted. He also supplied reference material which was not available to me in Wilmington.*

LEGEND FOR MAP ON OPPOSITE PAGE

The small inset in right corner shows a portion of the Delmarva Peninsula. The small shaded segment is approximately the area under discussion, of which the remainder of the plate is the enlargement. The numbers represent the following:

- | | |
|------------------------|---------------------|
| 1. APPOQUINIMINK RIVER | 7. ST. JONES RIVER |
| 2. BLACKBIRD CREEK | 8. MURDERKILL RIVER |
| 3. DUCK CREEK | 9. MISPELLION RIVER |
| 4. BOMBAY HOOK | 10. CEDAR CREEK |
| 5. LITTLE DUCK CREEK | 11. SLAUGHTER CREEK |
| 6. LITTLE CREEK | |

The dotted lines indicate the extent of each Indian's land holdings, the rivers and creeks constituting natural boundaries. (This sketch was traced from a map prepared by Leon de Valinger, Jr., too large to reproduce here.)

Select Bibliography

JOHN M. COOPER

- 1938—"Land Tenure Among the Indians of Eastern and Northern North America," *Penna. Archaeologist*, Vol. 8, No. 3.
 1939—"Is the Algonquian Family Hunting Ground System pre-Columbian?" *American Anthropologist*, Vol. 41, No. 4.

DIAMOND JENNESS

- 1932—"The Indians of Canada," *Bull. 45 National Museum of Canada*, Ottawa.
 1935—"The Ojibwa Indians of Parry Island, Their Social and Religious Life," *Bull. 78 Anth. Series No. 117, Nat'l Museum of Canada*, Ottawa.

WILLIAM CHRISTIE Mac LEOD

- 1922—"The Family Hunting Territory and Lenape Political Organization," *American Anthropologist*, Vol. 24, No. 4.
 1924—"Certain Aspects of the Social Organization of the Northwest Coast and of the Algonkian," 21 Congress International des Americanistes, Session de la Haye.
 Wm. H. Jenkins, 1939—"Notes on the Hunting Economy of the Abitibi Indian," *Cath. U. Anth. Series*, No. 9.
 J. M. Penard, 1929—"Land Ownership and Chieftaincy Among the Chippewayan and Caribou-eaters," *Primitive Man*, Catholic Anthropological Conference, Vol. 2, No. 1, P. 20.
 D. S. Davidson, 1928—"Family Hunting Territories in Northwestern North America," *Museum of the American Indian*, Heye Foundation, No. 46.

FRANK G. SPECK

- 1915-(a)—"Basis of American Indian Ownership of the Land," *Old Penn Weekly Review*, Vol. 13, No. 6, P. 491, Univ. of Penna., Phila., Pa.
 1915-(b)—"Basis of American Indian Ownership of the Land," *University of Pennsylvania Lectures*, University of Penna. Press, Phila., Pa., 1914-1915 (same paper as in first reference, with slight reediting, particularly of footnotes).
 1915-(c)—"Family Hunting Territories and Social Life of Various Algonkian Bands of the Ottawa Valley," *Canada*, Dept. of Mines, Geologic Survey, *Memoirs* 70 (No. 8 *Anth. Series*), Ottawa.
 1915-(d)—"The Family Hunting Band as the Basis of Algonkian Social Organization," *American Anthropologist*, Vol. 17, No. 2.
 1917—"The Social Structure of the Northern Algonkian," *Publications, American Sociological Society*, Vol. 12.
 1918—"Kinship Terms and the Family Band Among the Northeastern Algonkian," *American Anthropologist*, Vol. 20, No. 2.
 1921—"Beothuk and Micmac" (Part One) "Micmac Hunting Territories in Nova Scotia and Newfoundland" (Part Two) *Indian Notes and Monographs*, Museum of the American Indian, No. 22, New York.
 1923—"Mittassini Hunting Territories in the Labrador Peninsula," *American Anthropologist*, Vol. 25, No. 4.
 1923—"Algonkian Influence Upon Iroquois Social Organization," *American Anthropologist*, Vol. 25, No. 2.
 1926—"Land Ownership Among Hunting Peoples in Primitive American and the World's Marginal Areas," Vol. 2, *Inter. Congress Americanists*.
 1927—"Huron Hunting Territories in Quebec," *Indian Notes and Monographs*, Museum of the American Indian, Heye Foundation, Vol. 4, No. 1.
 1927—"Family Hunting Territories of the Lake St. John Montagnais and Neighboring Bands," *Revue Internationale d' Ethnologie et de Linguistique*, Vol. 22.
 1928-(a)—"Territorial Subdivisions and Boundaries of the Wampanoag, Massachusetts and Nauset, Indians," *Indian Notes and Monographs*, Museum of the American Indian, Heye Foundation, No. 44.

SPECK (Continued)

- 1928-(b)—“Chapters on the Ethnology of the Powhatan Tribes of Virginia,” Indian Notes and Monographs, Museum of the American Indian, Heye Foundation, Vol. 1, No. 5.
- 1929—“Boundaries and Hunting Groups of the River Desert Algonquin,” Indian Notes, Museum of the American Indian, Heye Foundation, Vol. 6, No. 2.
- 1930—“Mitassini Notes.” Indian Notes and Monograph, Museum of the American Indian, Heye Foundation, Vol. 7, No. 4.
- 1931-(a)—“Montagnais-Naskapi Bands and Early Eskimo Distribution in the Labrador Peninsula,” American Anthropologist, Vol. 33, No. 4.
- 1931-(b)—“Delaware Big House Ceremony,” P. 64-5 Pennsy. Historical Comm.
- 1933—“Aboriginal Conservators,” Bird Lore, Vol. 40, No. 4, P. 258.
- 1939-(a)—“Significance of the Hunting Territory System of the Algonkian in Social Theory,” American Anthropologist, Vol. 41, No. 2. (Speck & L. C. Elseley)
- 1939-(b)—“More Algonkian Scapulimancy from the North and the Hunting Territory Question,” Ethnos, P. 21, Ethnographical Museum, Stockholm, Sweden.
- 1940—“Penobscot Man,” University of Penna. Press, Phila., Pa.



8/9/2010
T 206164 1 3 00



HF GROUP - IN

